

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

FRANCIS ORDEAN REESE,	:	
	:	
Plaintiff,	:	No. 4:04-CV-1103
	:	
vs.	:	Petition Filed 05/19/04
	:	
JAMES L. GRACE, PAUL DEAN, and	:	(Judge Muir)
GERALD R. PAPPERT,	:	
	:	
Respondents	:	(Magistrate Judge Mannion)

ORDER

June 8, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On May 19, 2004, Petitioner Francis Ordean Reese initiated this matter by filing a habeas corpus petition pursuant to 28 U.S.C. § 2254. Reese paid the required \$5.00 filing fee. On May 20, 2005, we issued an order in which we denied Reese's habeas corpus petition and concluded that no certificate of appealability should be issued.

On June 8, 2005, Reese filed a notice of appeal from the May 20, 2005, order, and a motion for leave to appeal in forma pauperis. A total of \$255.00, consisting of a \$5.00 filing fee and \$250.00 docketing fee, is charged to file an appeal. See 28 U.S.C. § 1913 (authorizing Judicial Conference of the United States to prescribe fees and describing those fees).

In his motion Reese states that he makes "approximately \$129.00 per month for his work within the prison." (Motion to

appeal in forma pauperis, p. 1) The only other information Reese provides regarding his finances is the statement that he "does not have the funds necessary to pay the fees and/or costs of the appeal." (Id.) None of that information has been provided in the form of an affidavit or sworn statement.

Federal Rule of Appellate Procedure 24, entitled "Proceeding in Forma Pauperis," requires Reese to file in connection with his motion to proceed in forma pauperis "an affidavit that ... shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay ...." Fed.R.App.P. 24(a)(1)(A). Perhaps the most relevant portion of Form 4 in the context of this case is that which requires the party seeking to proceed in forma pauperis to identify the balances in all of that party's financial accounts.

The information contained in Reese's motion is not nearly sufficient to fulfill the requirements imposed upon him by the above rule. Reese has failed to provide any information whatsoever about his inmate or other financial account or accounts. For that reason we will deny his motion to proceed in forma pauperis.

We will deny the motion without prejudice to Reese's right to file another motion to proceed in forma pauperis which includes all of the information required by Federal Rule of Appellate Procedure 24.

NOW, THEREFORE, IT IS ORDERED THAT:

Reese's "Motion for Leave to Appeal In Forma Pauperis"  
(Document 29) is denied without prejudice.

s/Malcolm Muir  
MUIR, U.S. District Court

MM:ga